

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Chair Dave Lewis, on March 24, 2011 at 9:00 A.M., in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Dave Lewis, Chair (R)
Sen. Rick Ripley, Vice Chair (R)
Sen. Debby Barrett (R)
Sen. John Brenden (R)
Sen. Taylor Brown (R)
Sen. Edward Buttrey (R)
Sen. Mary Caferro (D)
Sen. Steven Gallus (D)
Sen. Bradley Hamlett (D)
Sen. Bob Hawks (D)
Sen. Llew Jones (R)
Sen. Jim Keane (D)
Sen. Alan Olson (R)
Sen. Jason Priest (R)
Sen. Jon Sonju (R)
Sen. Edward Walker (R)
Sen. David E. Wanzenried (D)
Sen. Carol Williams (D)
Sen. Ryan Zinke (R)

Members Excused: None

Members Absent: None

Staff Present: Prudence Gildroy, Committee Secretary
Taryn Purdy, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 414, 3/21/2011; SB 187, 3/21/2011

Executive Action: SB 414; SB 403; SB 359; SB 282

HEARING ON SB 414

Opening Statement by Sponsor:

00:01:27 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 414, Provide for control of wolves.

Proponents' Testimony:

00:08:29 Sen. Joe Balyeat, SD 34
00:12:57 Gary Marbut, Montana Shooting Sports Association and Western Montana Fish and Game Association
00:16:52 John Youngberg, Montana Farm Bureau Federation
00:20:01 Jay Bodner, Montana Stockgrowers Association, Montana Public Lands Council and Montana Association of State Grazing Districts
00:24:15 Niki Sardot, representing all Montana landowners
00:25:04 Rory Copeland, representing himself
00:29:05 Jim Brown, Montana Wool Growers Association
00:32:52 Robert T. Fanning, Jr., Friends of the Yellowstone Valley Elk Herd
00:39:28 Carol Lambert, Women Involved in Farm Economics (WIFE)

Opponents' Testimony:

00:40:08 Bob Lane, Chief Legal Counsel, Fish, Wildlife and Parks (FWP)
00:50:06 George Golie, Montana Wildlife Federation
00:51:28 Anthony Johnstone, Attorney Generals Office (AGO)
00:53:17 Janet Ellis, Montana Audubon

Informational Testimony:

None

Questions from Committee Members and Responses:

00:55:19 Sen. Zinke
00:55:50 Mr. Lane, FWP
00:56:50 Sen. Zinke
00:57:13 Sen. Vincent
00:57:42 Sen. Ripley
00:59:12 Mr. Lane
01:02:58 Sen. Ripley
01:03:13 Sen. Brown
01:03:50 Mr. Brown, Montana Wool Growers Association
01:06:47 Sen. Brown
01:06:55 Mr. Brown
01:07:20 Sen. Hamlett
01:07:55 Mr. Lane
01:09:54 Sen. Hamlett
01:10:24 Sen. Vincent
01:10:48 Sen. Barrett

01:13:38 Mr. Lane
01:14:16 Sen. Barrett
01:14:20 Mr. Lane
01:14:42 Sen. Barrett
01:14:56 Joe Maurier, FWP

Closing by Sponsor:

01:16:10 Sen. Vincent
01:25:08 Chairman Lewis

HEARING ON SB 187

Opening Statement by Sponsor:

01:26:09 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 187, Generally revise public defender laws.
01:36:26 Chairman Lewis
01:37:24 Sen. Shockley

Proponents' Testimony:

None

Opponents' Testimony:

01:37:51 Fritz Gillespie, Chairman, Public Defender Commission
01:47:18 Harry Freebourn, Administrative Director, Office of Public Defender (OPD)
01:53:40 Larry Murphy, Contract Manager, OPD
01:56:45 Director Mike Ferriter, Department of Corrections (DOC)
01:59:04 Randi Hood, Chief Public Defender
02:08:27 Harold Blattie, Executive Director, Montana Association of Counties (MACo)
02:12:13 Joslyn Hunt, Chief Appellate Defender
02:15:39 Mary Phippen, Montana Magistrates Association
[EXHIBIT\(fcs66a01\)](#)
02:17:10 Scott Chrichton, Executive Director, American Civil Liberties Association (ACLU)
02:27:01 John Moog, Regional Deputy Pubic Defender

Proponents' Testimony:

02:29:28 Sen. Larry Jent, SD 32

Informational Testimony:

None

Questions from Committee Members and Responses:

02:35:57 Sen. Zinke

02:36:33 Chief Public Defender Hood
02:38:24 Sen. Zinke
02:38:35 Ms. Hood
02:39:16 Sen. Olson
02:39:55 Ms. Hood
02:40:58 Sen. Caferro
02:41:16 Sen. Shockley

[EXHIBIT\(fcs66a02\)](#)

Closing by Sponsor:

02:42:31 Sen. Shockley
02:47:44 Vice-Chair Ripley

02:47:46 Recess
02:47:49 Reconvene

EXECUTIVE ACTION ON SB 414

02:48:45 **Motion:** Sen. De. Barrett moved that **SB 414 DO PASS.**

Discussion:

02:48:56 Chairman Lewis
02:49:14 Sen. Brown
02:49:15 Chairman Lewis

02:29:23 **Vote:** Motion carried 14-5 by roll call vote with Sen. Gallus, Sen. Hawks, Sen. Ripley, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus, Sen. Priest and Sen. Sonju voted by proxy.

EXECUTIVE ACTION ON SB 403

02:51:06 **Motion:** Sen. Zinke moved that **SB 403 DO PASS.**

02:51:04 Sen. Wanzenried objected taking executive action on SB 403 without a hearing.

02:51:37 **Motion:** Sen. Brown moved that **SB 403 BE AMENDED.**

[EXHIBIT\(fcs66a03\)](#)

Discussion:

02:51:38 Sen. Brown
02:53:01 Sen. Wanzenried
02:53:33 Chairman Lewis
02:53:55 Sen. Jones
02:55:20 Sen. Wanzenried
02:55:37 Sen. Jones

02:55:57 Sen. Wanzenried
 02:56:06 Sen. Jones
 02:56:25 Chairman Lewis
 02:56:39 Sen. Brown
 02:56:57 Sen. Wanzenried
 02:57:04 Sen. Jones
 02:57:28 Sen. Ripley
 02:57:59 Sen. Brown
 02:58:57 Chairman Lewis
 02:59:06 Sen. Brown
 02:59:17 Sen. Williams
 02:59:28 Sen. Ripley
 02:59:34 Sen. Williams
 02:59:47 Sen. Ripley
 02:59:54 Sen. Williams
 03:00:09 Dan Villa, Education Policy Advisor, Office of the Governor
 03:01:58 Sen. Hawks
 03:02:54 Sen. Brown

03:03:33 **Vote:** Motion carried 10-9 by roll call vote with Sen. Barrett, Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Jones, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus voted by proxy.

03:04:30 Chairman Lewis
 03:04:36 Sen. Olson
 03:05:00 Chairman Lewis
 03:05:54 Sen. Olson
 03:06:07 Chairman Lewis
 03:06:24 Dan Whyte, Legislative Services Division (LSD)
 03:08:24 Sen. Jones
 03:09:26 Chairman Lewis

03:09:35 **Motion:** Sen. Olson moved that **SB 403 BE AMENDED.**
[**EXHIBIT\(fcs66a04\)**](#)

Discussion:

03:09:50 Chairman Lewis

03:09:44 **Vote:** Motion carried 14-5 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus voted by proxy.

03:10:47 **Motion:** Sen. Lewis moved that **SB 403 BE AMENDED.**
[**EXHIBIT\(fcs66a05\)**](#)

Discussion:

03:10:49 Chairman Lewis
 03:11:35 Sen. Wanzenried

03:11:54 Chairman Lewis
 03:12:01 Sen. Barrett
 03:12:18 Sen. Wanzenried
 03:12:39 Chairman Lewis
 03:13:10 Sen. Hawks
 03:13:28 Chairman Lewis
 03:14:03 Sen. Jones
 03:14:23 Sen. Keane
 03:14:59 Chairman Lewis
 03:15:22 Sen. Jones
 03:15:48 Sen. Keane
 03:15:55 Sen. Jones

03:16:14 **Vote:** Motion carried 10-9 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Jones, Sen. Keane, Sen. Wanzenried, Sen. Williams and Sen. Zinke voting no. Sen. Gallus voted by proxy.

03:17:05 **Motion/Vote:** Sen. Lewis moved that **SB 403 DO PASS AS AMENDED**. Motion carried 12-7 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus voted by proxy.

03:19:09 Sen. Williams
 03:20:19 Chairman Lewis

EXECUTIVE ACTION ON SB 359

03:20:29 **Motion:** Sen. Caferro moved that **SB 359 BE REMOVED FROM TABLED**.

Discussion:

03:20:41 Sen. Caferro
 03:21:09 Chairman Lewis

03:21:23 **Vote:** Motion carried 17-1 by roll call vote with Chairman Lewis voting no. Sen. Gallus and Sen. Ripley voted by proxy. Sen. Priest abstained from voting.

03:22:02 **Motion:** Sen. Caferro moved that **SB 359 DO PASS**.

03:22:32 **Motion:** Sen. Caferro moved that **SB 359 BE AMENDED**.
[EXHIBIT\(fcs66a06\)](#)

Discussion:

03:23:05 Sen. Caferro

03:23:45 **Vote:** Motion carried 18-1 by roll call vote with Sen. Priest voting no. Sen. Gallus and Sen. Williams voted by proxy.

03:24:40 **Motion:** Sen. Caferro moved that **SB 359 DO PASS AS AMENDED.**

Discussion:

03:24:43 Sen. Caferro
03:25:48 Sen. Barrett
03:26:03 Sen. Caferro
03:26:18 Sen. Barrett
03:26:27 Sen. Caferro
03:26:41 Sen. Buttrey
03:26:59 Sen. Brenden
03:27:12 Chairman Lewis

03:27:25 **Vote:** Motion carried unanimously by voice vote. Sen. Gallus and Sen. Priest voted by proxy.

EXECUTIVE ACTION ON SB 282

03:27:43 Chairman Lewis

03:30:02 **Motion:** Sen. Lewis moved that **SB 282 BE REMOVED FROM TABLED.**

Discussion:

03:30:15 Sen. Brenden
03:30:41 Sen. Hawks
03:31:05 Chairman Lewis
03:31:27 Sen. Ripley
03:31:57 Chairman Lewis
03:32:12 Sen. Brown
03:32:34 Chairman Lewis
03:32:38 Sen. Jones
03:33:39 Sen. Keane
03:34:51 Chairman Lewis
03:35:03 Sen. Hamlett
03:35:20 Chairman Lewis

03:35:27 **Vote:** Motion failed 9-10 by roll call vote with Sen. Barrett, Sen. Brenden, Sen. Brown, Sen. Lewis, Sen. Olson, Sen. Priest, Sen. Ripley, Sen. Sonju and Sen. Walker voting aye. Sen. Gallus voted by proxy.

03:36:23 Sen. Ripley

Additional Exhibits HB 414

EXHIBIT(fcs66a07)

[EXHIBIT](#)(fcs66a08)

[EXHIBIT](#)(fcs66a09)

[EXHIBIT](#)(fcs66a10)

[EXHIBIT](#)(fcs66a11)

Committee Requested Information re: State Public Defender

[EXHIBIT](#)(fcs66a12)

ADJOURNMENT

Adjournment: 5:11 PM

Prudence Gildroy, Secretary

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Additional Documents:

EXHIBIT([fcs66aad.pdf](#))